

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN WADE BURTON,

Defendant.

4:21-CR-3020

TRIAL ORDER

IT IS ORDERED:

1. The above-captioned criminal case is set for a jury trial before the undersigned judge in 1, Robert V. Denney Federal Building and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebraska, commencing at **9:00 a.m. on Monday, February 13, 2023**, or as soon thereafter as the case may be called, for a duration of 3 or 4 trial days.
2. A pretrial conference is scheduled to be held before the undersigned judge in chambers at **3:00 p.m. on Friday, February 10, 2023**.
3. The filing, briefing, and hearing of pretrial motions, including *ex parte* motions and applications, shall be governed by NECrimR [12.1](#) to [12.6](#). Motions shall be filed on or before Wednesday, February 8, 2023. Counsel must immediately notify the Court of any pretrial motion requiring an evidentiary hearing outside the presence of the jury.
4. The plaintiff shall file and serve on opposing counsel on or before **Wednesday, February 8, 2023**, as appropriate, all proposed jury instructions, trial briefs, suggested verdict forms, and witness lists. In

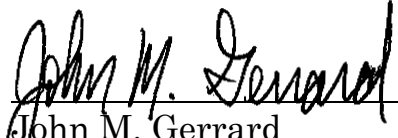
particular, the plaintiff's witness list shall include the full name and address of each witness whom the party may call to testify at trial.

5. The defendant is also encouraged to provide the Court, on or before **Wednesday, February 8, 2023**, proposed jury instructions and a trial brief. Any materials so submitted shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
6. Exhibits must be listed before trial on exhibit forms available from the Clerk's office or on the Court's external web page at <http://www.ned.uscourts.gov/forms>. The exhibits should be numbered as provided by NECrimR 12.7.
7. The courtroom deputy will take custody of the exhibits after they are received by the Court.
8. Parties shall deliver to the Court, on or before **Wednesday, February 8, 2023**, trial copies of all exhibits in a three-ring binder organized for use by dividers or tabs. Exhibits provided by the defendant shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
9. At 9:00 a.m. on the first day of trial, the Court will meet with counsel and clients, on the record in the courtroom. This will be an opportunity to dispose of any motions and last minute matters, prior to trial. Voir dire will commence immediately thereafter.
10. Each subsequent day of trial will begin at 8:45 a.m. unless the Court directs otherwise.

11. Questioning of witnesses will be limited to direct examination, cross-examination, and redirect examination unless the Court allows further examination.
12. The Court will conduct an initial voir dire of the prospective panel. Counsel will be permitted to conduct follow-up voir dire in areas not covered by the Court's examination or in an area which may justify further examination in view of a prospective juror's response during the Court's voir dire.
13. Witnesses who do not appear to testify when scheduled will be considered withdrawn. The trial will then proceed with the presentation of any remaining evidence.
14. A list of the equipment available in the courtroom, and a virtual tour of the courtroom, is available on the Court's external web page at <http://www.ned.uscourts.gov/attorney/courtroom-technology>.
15. Counsel shall notify the courtroom deputy at least a week in advance if the services of an interpreter will be required for a hearing or trial.

Dated this 30th day of January, 2023.

BY THE COURT:



John M. Gerrard
United States District Judge